

Federal Communications Commission**DA 03-272**

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations.)	
(Eldorado, Texas)	)	MM Docket No. 01-273
	)	RM-10284
)	
(Milan, New Mexico)	)	MM Docket No. 02-43
	)	RM-10384
)	
(Alpena, Michigan)	)	MB Docket No. 02-107
	)	RM-10417
)	
(Channing, Texas)	)	MB Docket No. 02-168
	)	RM-10480
)	
(Escobares, Texas)	)	MB Docket No. 02-169
	)	RM-10481
)	
(Ozona, Texas)	)	MB Docket No. 02-170
	)	RM-10482
)	
(Rotan, Texas)	)	MB Docket No. 02-172
	)	RM-10484
)	
(Wellington, Texas)	)	MB Docket No. 02-173 ✓
	)	RM-10485
)	
(Memphis, Texas)	)	MB Docket No. 02-175
	)	RM-10487
)	
(Matador, Texas)	)	MB Docket No. 02-176
	)	RM-10488
)	
(Arthur, Nebraska)	)	MB Docket No. 02-291
	)	RM-10528
)	
(McLean, Texas)	)	MB Docket No. 02-292
	)	RM-10540
)	

(Wheeler, Texas)

) M B Docket No. 02-293
) RM-10541

REPORT AND ORDER
(Proceedings Terminated)

Adopted: January 29, 2003

Released: January 31, 2002

By the Assistant Chief, Audio Division

I. The Audio Division has before it *Notices of Proposed Rule Making*, setting forth 13 separate proposals to allot an FM channel to a specific community. Each petitioner filed comments in support of the its proposal reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements, and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal.

A. MM Docket No. 01-273; RM-10284; 16 FCC Rcd 17210 (2001)

Action: At the request of Linda Crawford, we are allotting Channel 258C1 at Eldorado, Texas, as the community's third local FM transmission service.¹

Coordinates: The reference coordinates for Channel 258C1 at Eldorado are 30-47-49 North Latitude and 100-37-29 West Longitude.

Additional Information: This allotment requires a site restriction of 7.4 kilometers (4.8 miles) south to avoid a short-spacing to the licensed site of Station KYZZ(FM), Channel 261C2, San Angel, Texas. Although Mexican concurrence has been requested for Channel 258C1 at Eldorado, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Eldorado herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement."

FCC Contact: Sharon P. McDonald (202) 418-2180

¹ Channel 241A has been proposed for Eldorado, Texas, in MM Docket 02-167, which is pending.

B. MM Docket No. 02-43; RM-10384; 17 FCC Rcd 3715 (2002)

Action: At the request of Don Davis, we are allotting Channel 270A at Milan, New Mexico, as the community's second local FM transmission service.'

Coordinates: The reference coordinates for Channel 270A at Milan are 35-10-11 North Latitude and 107-53-24 West Longitude.

Additional Information: This allotment is at city reference coordinates and does not require a site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

C. MB Docket No. 02-107; RM-10417; 17 FCC Rcd 3715 (2002)

Action: At the request of Northern Paul Bunyan Radio Company, we are allotting Channel **289A** at Alpena, Michigan, as the community's third local commercial **FM** transmission service.

Coordinates: The reference coordinates for Channel 289A at Alpena are 45-05-30 North Latitude and 83-21-48 West Longitude.

Additional Information: This allotment requires a site restriction 6.4 kilometers (4.0 miles) northeast to avoid short-spacings to the licensed site of Station WKHQ-FM, Channel 290C1, Charlevoix, Michigan, and the proposed site for Channel 292C2 at Rogers City, Michigan. Although Canadian concurrence has been requested for Channel 289A at Alpena, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian government, the construction permit will include the following condition: "Operation with the facilities specified for Alpena herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the USA-Canadian **FM** Broadcast Agreement."

FCC Contact: Sharon P. McDonald (202) 418-2180

D. MB Docket No. 02-168; RM-10480; 17 FCC Rcd 12824 (2002)

Action: At the request of Linda Crawford, we are allotting Channel 284C at Channing, Texas, as the community's first local aural transmission service.

¹Petitioner was requested to submit a subscription and verification statement in his responsive comments, and he has complied accordingly.

Coordinates: The reference coordinates for Channel 284C at Channing are 35-58-15 North Latitude and 102-33-43 West Longitude.

Additional Information: This allotment requires a site restriction of 38.0 kilometers (23.6 miles) northwest to avoid shon-spacings to the licensed sites of Station KQFX(FM), Channel 282C1, Borger, Texas. and Station KLGD(FM), Channel 285C1, Tulia, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

E. MB Docket No. 02-169; RM-10481; 17 FCC Rcd 12824(2002)

Action: At the request of Charles Crawford, we are allotting Channel 284A at Escobares, Texas, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 284A at Escobares are 26-26-29 North Latitude and 98-54-14 West Longitude.

Additional Information: This allotment requires a site restriction of 6.8 kilometers (4.2 miles) northeast to avoid a shorn-spacing to the licensed site of Station XHMF-FM, Channel 283C, Monterrey, Mexico. Although Mexican concurrence has been requested for Channel 284A at Escobares, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Escobares herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement."

FCC Contact: Sharon P. McDonald (202) 418-2180

F. MB Docket No. 02-170; RM-10482; 17 FCC Rcd 12824(2002)

Action: At the request of Linda Crawford, we are allotting Channel 275C3 at Ozona, Texas, as the community's third local FM transmission service.³

Coordinates: The reference coordinates for Channel 275C3 at Ozona are 30-42-30 North Latitude and 101-12-06 West Longitude.

Additional Information: This allotment city reference coordinates and requires no site restriction. Although Mexican concurrence has been requested for Channel 275C3 at Ozona, notification has not

³ On January 15, 2003, Channel 289C1 was allotted to Ozona pursuant to MB Docket No. 02-261 (RM-10503). See 18 FCC Rcd. ____ (released January 17, 2003).

been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Ozona herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement."

FCC Contact: Sharon P. McDonald (202) 418-2180

G. MU Docket No. 02-172; RM-10484; 17 FCC Rcd 12824 (2002)

Action: At the request of Linda Crawford, we are allotting Channel 290A at Rotan, Texas, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 290A at Rotan are 32-51-07 North Latitude and 100-27-55 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction

FCC Contact: Sharon P. McDonald (202) 418-2180

H. MB Docket No. 02-173; RM-10485; 17 FCC Rcd 12824 (2002)

Action: At the request of Maurice Salsa, we are allotting Channel 248A at Wellington, Texas, as the community's second local FM transmission service.⁴

Coordinates: The reference coordinates for Channel 248A at Wellington are 34-56-51 North Latitude and 100-19-10 West Longitude.

Additional Information: This allotment requires a site restriction of 14.0 kilometers (8.7 miles) northwest to avoid a short-spacing to the vacant allotment site for Channel 248C1, Archer City, Texas, and the construction permit site for Station KWEY-FM, Channel 247C1, Weatherford, Oklahoma.

FCC Contact: Sharon P. McDonald (202) 418-2180

⁴ Channels 253C3 and 296C3 have been proposed for Wellington in MM Dockers 01-293 and 00-148, respectively.

I. MB Docket No. 02-175; RM-10487; 17 FCC Rcd 12824 (2002)

Action: At the request of Katherine Pyeatt, we are allotting Channel 292A at Memphis, Texas, as the community's second local FM transmission service.²

Coordinates: The reference coordinates for Channel 292A at Memphis are 34-43-29 North Latitude and 100-32-01 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

J. MB Docket No. 02-173; RM-10485; 17 FCC Rcd 12824 (2002)

Action: At the request of Maurice Salsa, we are allotting Channel 227C3 at Matador, Texas, as the community's second local FM transmission service.

Coordinates: The reference coordinates for Channel 227C3 at Matador are 34-10-06 North Latitude and 100-43-57 West Longitude.

Additional Information: This allotment requires a site restriction of 19.2 kilometers (11.9 miles) northeast to avoid a short-spacing to the licensed site of Station KRKZ(FM), Channel 228C2, Altus, Oklahoma, and to the vacant allotment site for Channel 226C2 at Aspermont, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

K. MB Docket No. 02-191; RM-10528; 17 FCC Rcd 18118 (2002)

Action: At the request of Arthur Radio Broadcasting, we are allotting Channel 300C1 at Arthur, Nebraska, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 300C1 at Arthur are 41-37-10 North Latitude and 101-45-57 West Longitude.

Additional Information: This allotment requires a site restriction of 8.0 kilometers (5.0 miles) northwest to avoid a short-spacing to the vacant allotment site for Channel 297C1 at Hershey, Nebraska.

FCC Contact: Sharon P. McDonald (202) 418-2180

² Petitions for rule making have been filed proposing the allotment of Channels 263C3 and 283A at Memphis, Texas, which are pending.

L. MB Docket No. 02-292; RM-10540; 17 FCC Rcd 18118 (2002)

Action: At the request of Robert Fabian, we are allotting Channel 267C3 at McLean, Texas, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 267C3 at McLean are 35-05-01 North Latitude and 100-44-58 West Longitude.

Additional Information: This allotment requires a site restriction of 21.4 kilometers (13.3 miles) southwest to avoid short-spacings to the licensed sites of Station KWOX(FM), Channel 266C, Woodward, Oklahoma, and Station KLAJ(FM), Channel 267C1, Lawton, Oklahoma.

FCC Contact: Sharon P. McDonald (202) 418-2180

M. MB Docket No. 02-293; RM-10541; 17 FCC Rcd 18118 (2002)

Action: At the request of Maurice Salsa, we are allotting Channel 280C2 at Wheeler, Texas, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 280C2 at Wheeler are 35-28-55 North Latitude and 100-12-56 West Longitude.

Additional Information: This allotment requires a site restriction of 6.7 kilometers (4.1 miles) northeast to avoid short-spacings to the licensed sites of Station KKYN-FM, Channel 280C2, Plainview, Texas, and Station KHYM(FM), Channel 280C1, Copeland, Kansas.

FCC Contact: Sharon P. McDonald (202) 418-2180

2. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective March 17, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Eldorado, Texas	258C1, 285A, 293A
Milan, New Mexico	264C0, 270A
Alpena, Michigan	257C2, 289A, 299C1

Channing, Texas	284C
Escobares, Texas	284A
Ozona, Texas	232A, 275C3, 289C1
Rotan, Texas	290A
Wellington, Texas	248A, 298C3
Memphis, Texas	287C1, 292A
Matador, Texas	221C2, 227C3
Arthur, Nebraska	300C1
McLean, Texas	267C3
Wheeler, Texas	280C2

3. The filing window for these allotments **will** not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent Order.

4. **IT IS FURTHER ORDERED**, That the aforementioned proceedings **ARE TERMINATED**.

5. For further information concerning a specific docket, contact the **FCC** Contact listed above for that docket. Questions related to the auction process should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau